

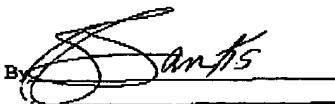
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1-703-872-9306 on 15 September 2003.

Date Sept. 15, 2003RECEIVED
CENTRAL FAX CENTERPATENT APPLICATIONIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 16 2003

Applicants: Karl Bruce Thor)
Serial No: 10/049,427)
Filed: May 6, 2002)
For: METHODS OF USING RAPID-ONSET)
SELECTIVE SEROTONIN REUPTAKE)
INHIBITORS FOR TREATING SEXUAL)
DYSFUNCTION)
Docket No.: X-11072)

Group Art Unit:
1617Examiner:
Russell S. Travers

OFFICIAL

REPLY UNDER 37 C.F.R. 143

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Introductory Comments

The above referenced national stage PCT application has been subjected to a requirement to elect an invention under the Unity of Invention requirements of the PCT. Applicants respectfully request reconsideration and withdrawal of this requirement.

The present invention has one single inventive concept, namely the treatment of sexual dysfunction in a mammal by administration of a rapid-onset selective serotonin reuptake inhibitor (RO-SSRI, as distinguished from a conventional selective serotonin reuptake inhibitor (SSRI)) on an as-needed basis (as distinguished from chronic dosing). As grouped in the requirement, Group II claims are drawn to this invention as embodied in methods of treatment. Group III claims are drawn to particular species of the more generic

Serial No. 10/049,427

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Group II claims. Group I claims are drawn to particular embodiments of the invention as articles of manufacture useful for working the treatment methods. Therefore there is, in fact no lack of unity of invention.

The requirement argues that a reference that would anticipate the invention of one group, would neither anticipate, nor make obvious the inventions in the other groups, and that one could practice the invention of one group without infringing or practicing the invention of another group. Furthermore, it is suggested that the searches for the groups are not co-inclusive.

It is respectfully submitted that one cannot practice the claims of Group III without infringing claims of Group II, in that the listed species of sexual dysfunction in the Group III claims are encompassed in the meaning of sexual dysfunction in Group II claims. Likewise, a reference that would anticipate/render obvious claims in Group I would anticipate/render obvious certain claims in the other Groups, in that the claims of Group I recite articles of manufacture specifically designed to facilitate the practicing of the methods recited in Groups II and III.

It is true that the search required for the more generic Group II claims is broader than the search for Group III claims, but a search for Group II would, in fact cover Group III claims as well. Furthermore, in that Group I claims are packaged articles of manufacture useful for practicing the methods of Groups II and III, the additional search should be insignificant to encompass Group I claims as well. It is obvious that the search for a genus claim will necessarily be broader than that for a species claim within that genus, but this is not a basis for finding lack of Unity of Invention, else every dependent claim could be used as a basis for restriction of any application having claims related as genus/species, which is clearly not the intension of the rules.

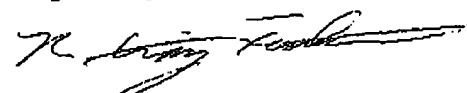
For these reasons, it is respectfully requested that the requirement for election be withdrawn; there is no lack of Unity of Invention.

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In compliance with the requirements of 37 C.F.R. 1.143, Applicants make the provisional election of the claims of Group III: Claims 26-28, 36-42, and 51-54.

Respectfully submitted,



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Sept 15, 2003

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To: Assistant Commissioner For Patents: Examiner Russell S. Travers

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Date: September 15, 2003

Total Pages: 4

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(317) 433-9829

RE: Patent Application No. 10/049,427

Filed: May 6, 2002

Applicant: Karl Bruce Thor

Examiner: Russell S. Travers

Art Unit 1617

Attorney Docket No. X-11072

Reply Under 37 C.F.R. §143;

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Answers That Matter.